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6
7 UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

8
9 UNITED STATES OF AMERICA,
10 Plaintiff,
11 v.
12 DAVID GARCIA,
13 Defendant.

Case No. 1:22-cr-00308-DAD-BAM

STIPULATION AND ORDER TO
CONTINUE SENTENCING

15 IT IS HEREBY STIPULATED by and between the parties hereto through their respective
16 counsel, ROBERT LAMANUZZI, attorney for Defendant DAVID GARCIA and NICHOLAS
17 KARP, Assistant U.S. Attorney for The Government, that the hearing currently scheduled for
18 DECEMBER 15th, 2025, at 10:00 a.m. shall be continued until FEBRUARY 9th, 2026, at 10:00
19 a.m..

20 1. Defendant, David Garcia, is scheduled for sentencing on DECEMBER 15th, 2025,
21 2. On SEPTEMBER 9th, 2025, the Ninth Circuit Court of Appeals heard oral argument
22 on *United States. v. Gomez* (Case No. 23-435),
23 3. The coming decision in *Gomez* may drastically affect the Sentencing Guideline
24 calculation in this case,
25 4. The Defendant and his Counsel wish to file Formal Objections to the Presentence
26 Report and proceed with sentencing after the *Gomez* decision is made,
27 5. The sentencing hearing was previously scheduled for October 6th, 2025, and continued
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1 to December 15th, 2025, for the same reasons in anticipation *Gomez* would be decided
2 by late October to mid-November, 2025,

3 6. As of the date of this stipulation, *Gomez* has yet to be decided,
4 7. There is no objection by the Government to the continuance,
5 8. The parties request a resetting of the PSR deadlines as follows:
6 a. Formal Objections due JANUARY 26th, 2026,
7 b. Sentencing Memorandums due FEBRUARY 2nd, 2026.

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10 Dated: December 3rd, 2025,

Respectfully submitted,

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12 /s/Robert Lamanuzzi
13 ROBERT LAMANUZZI
14 Attorney for Defendant,
David Garcia

15 Dated: December 3rd, 2025,

Respectfully submitted,

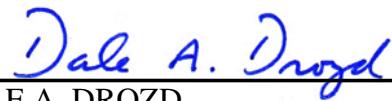
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17 /s/Nicholas Karp
18 NICHOLAS KARP
Assistant U.S. Attorney

1 **ORDER**

2 Pursuant to the stipulation of the parties and good cause appearing, the sentencing hearing
3 in this case currently scheduled for DECEMBER 15th, 2025, is continued until FEBRUARY 9th,
4 2026, at 10:00 a.m. in Courtroom 5 in Fresno before District Judge Dale A. Drozd and the PSR
5 schedule is reset and formal objections to the PSR are now due JANUARY 26th, 2026, and
6 sentencing memorandums are due FEBRUARY 2nd, 2026.

7 IT IS SO ORDERED.

8 Dated: December 4, 2025


9 DALE A. DROZD
10 UNITED STATES DISTRICT JUDGE

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